

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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| ST. LOUIS LABOR HEALTH INSTITUTE, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | Case No. 4:05CV2215RWS |
| v. |) | |
| |) | |
| LASCO FOODS, INC., |) | |
| |) | |
| Defendant. |) | |

JUDGMENT

Plaintiffs filed this action on November 22, 2005 to recover from defendant Lasco Foods, Inc. delinquent fringe benefit contributions, liquidated damages and interest owed to the plaintiff benefit funds pursuant to the Employee Retirement Income Security Act, 29 U.S.C. §1132(g)(2) ("ERISA"), and pursuant to the Labor Management Relations Act, 29 U.S.C. §185 ("LMRA"). Defendant has not appeared, and plaintiffs move for default judgment, submitting in support of their motion the affidavits of Dave Lalumondier and Greg A. Campbell.

Under ERISA, 29 U.S.C. §1132(g)(2) and 1145, and under the applicable collective bargaining agreement, defendant owes contributions totaling \$77,183.50, consisting of \$61,224.00 to the St. Louis Labor Health Institute, \$7,875.50 to the Teamsters Medicare Trust for Retired Employees, and \$8,084.00 to the Teamsters Local 688 Insurance and Welfare Fund.

Pursuant to 29 U.S.C. §1132(g)(2)(B), plaintiffs are entitled to interest on the unpaid contributions. ERISA provides at 29 U.S.C. §1132(g)(2) that interest is to be awarded at the IRS rate set forth in Section 6621 of Title 26 if no interest rate is provided for in the plan. The interest rate under Section 6621 of Title 26 is seven percent (7%). In the present case, because the plans of the plaintiff Funds do not provide an interest rate, the seven percent (7%) rate is to be applied. Using

this rate, defendant owes a total of \$1,006.15 in interest through February 28, 2006.


In addition, ERISA, 29 U.S.C. §1132(g)(2)(C) provides for either an award of liquidated damages (if the plan so provides) or a second award of interest. Since the plans here do not provide for liquidated damages, plaintiffs are entitled to a second award of interest in the amount of \$1,006.15.

Finally, ERISA at 29 U.S.C. §1132(g)(2)(D), also requires defendant to pay plaintiffs' attorneys' fees and costs. Plaintiffs incurred \$826.50 in attorneys' fees and \$293.50 in costs, for a total of \$1,120.00. Based on the evidence presented, the Court finds that the services performed by plaintiffs' attorneys were reasonable and necessary to the litigation of this case, that the rates charged were reasonable, and that the amount sought for attorneys' fees is reasonable.

The total amount owed to plaintiffs by defendant Lasco Foods, Inc. is \$80,315.80.

IT IS HEREBY ORDERED that plaintiffs' motion for default judgment is granted.

IT IS HEREBY ORDERED that the Clerk of the Court shall enter judgment by default in favor of plaintiffs and against defendant Lasco Foods, Inc. in the amount of \$80,315.80.


UNITED STATES DISTRICT JUDGE

Dated this 6th day of April, 2006.